

NOTICE OF PROPOSED EMERGENCY REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections**

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend sections 3000, 3005, 3044, 3062, 3313, 3314, 3315, 3323, and 3376 in the California Code of Regulations (CCR), Title 15, Division 3 relating to work/training incentive groups, rule violations and classification committees.

PUBLIC HEARING:

Date and Time: March 17, 2004 9:00 a.m. - 10:00 a.m.
Place: Department of Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period will close March 17, 2004 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)322-3842; or by e-mail at RPMB@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief,
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 322-9702**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**R. Marshall
Regulation and Policy Management Branch
Telephone (916) 322-9702**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Lynn Rader
Institutions Division
Telephone (916) 322-0621.**

LOCAL MANDATES:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT:

- Cost or savings to any state agency:
Savings of approximately \$23.7 million in the current State Fiscal Year.
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS:

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS:

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES:

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION:

The Department has determined that the proposed regulation will have no affect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified

and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.corr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

This action will incorporate into the Director's Rules amended provisions governing inmate work/training incentive groups, rule violations and classification committees in order to implement the Bridging Education Program.

The Fiscal Year 2003/2004 Budget Act directs the CDC to provide education programming for day-for-day credit eligible inmates,

pursuant to PC Section 2933, in Reception Centers (RC) and expand the existing education programs within the General Population (GP) at the institutions. As a result, we are incorporating modifications to provide expanded educational opportunities to those eligible inmates within the GP and undergoing RC processing, as well as, the priority assignment of inmates eligible to receive day-for-day credits under PC Section 2933, all of which will be implemented by January 1, 2004.

The CDC plans to implement bridging education programs focusing on education assessment, anger management, cognitive based re-entry orientation, and life skills, along with individual training plans. This will enhance the Department's ability to provide educational opportunities to inmates in RCs and GPs within the institutions; there are currently no educational programs provided in the RCs.

These proposed regulations are necessary in order to update the regulations related to inmate work/training and incentive groups, along with discipline, so that the inmates will be able to be properly prioritized and placed in the appropriate work groups based on their behavior and participation in the program. In addition, as a result of the discontinuance of the CDC 191, Inmate Timecard, it has been determined that these regulation changes related to inmate discipline are necessary in order to more effectively deal with inmates who fail to comply with program expectations and/or work performance standards.

The CDC has determined that no alternative considered would be more effective in carrying out the purpose of this action, or would be as effective and less burdensome to affected private persons, than the action proposed.